

**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY, SEPTEMBER 07, 2010  
7:00 PM  
COUNCIL CHAMBERS  
P-12 BUILDING**

**MINUTES**

**1. CALL TO ORDER**

Mayor Lunceford called the meeting to order at 7:09 pm.

**2. OPENING CEREMONY**

Mayor Lunceford led the Pledge of Allegiance.

**3. ROLL CALL**

**A. Council Members Present:** Jerry Vandergriff, Lester Lunceford, Juan Cardenas, Shannon Tolman, Shawni Phillips (telephonically), Mary Brenneman (arrived at 7:51 pm)

**B. Council Members Absent:** Becky Cotner

Mayor Lunceford asked that the record reflect that he had received an email from Councilor Becky Cotner requesting an excused absence tonight.

Mayor Lunceford stated that he had also received a request from Vice Mayor Phillips requesting to participate telephonically tonight.

**MOTION:** Jerry Vandergriff made a motion to excuse Becky Cotner.

**SECONDED:** Shannon Tolman seconded the motion.

**VOTE:** Jerry Vandergriff: Yes, Shannon Tolman: Yes, Juan Cardenas: Yes, Lester Lunceford: Yes

**Motion passed 4-0.**

**C. Excused Absence:** Becky Cotner

**MOTION:** Juan Cardenas made a motion to allow Vice Mayor Phillips to participate telephonically.

**SECONDED:** Jerry Vandergriff seconded the motion.

**VOTE:** Juan Cardenas: Yes, Jerry Vandergriff: Yes, Lester Lunceford: Yes, Shannon Tolman: Yes

**Motion passed 4-0.**

**D. Administration Present:** Brenda Krol, City Clerk and John Janik, City Manager

Others present included: Phillip Freitag, George Weamire, Sue Miller, Fred Whittingham, Dyanna Barnes, Greg Hall, Dave Schofield, Eula Schofield, Scott Korbe, Pete Heddell, Rob Cone-Clark, Kelly Bender, Marilynn Heddell, KC Jackson, Kathy Janik, Dave Goldstein, Bonnie Lymer, Suzanne Eusden, Peter Denmark, John Havard, Don Varlamos, Susan Ford, John Ford

#### **4. APPROVAL OF MINUTES**

None

#### **5. APPROVAL OF REGULAR MEETING AGENDA**

City Clerk, Brenda Krol called Vice Mayor Phillips.

Councilor Tolman added agenda item #14G Shotgun Cove Land Survey to Unfinished Business.

Councilor Vandergriff added agenda item #14H M/V "Tradition" to Unfinished Business.

**MOTION:** Juan Cardenas made a motion to approve the regular meeting agenda of September 7<sup>th</sup> 2010 as amended.

**SECONDED:** Jerry Vandergriff seconded the motion.

**VOTE:** Juan Cardenas: Yes, Jerry Vandergriff: Yes, Lester Lunceford: Yes, Shannon Tolman: Yes, Shawni Phillips: Yes.

**Motion passed 5-0.**

#### **6. MAYOR'S REPORT**

##### **A. Mayor Report – Mayor Lunceford**

None

Former Council member Peter Denmark asked to speak and was given the floor.

Peter Denmark expressed some concern regarding City goals and projects that he felt have not been completed.

There was some brief discussion regarding the City, State and Federal goals.

Peter Denmark stated that the point he was trying to make is that there is no continuity between administrations.

Peter Denmark stated as he sat on the council for six years it was obvious to him that what the city needed was an organizational overhaul because we were having difficulty tending to our business then and he felt that this last year on the council had indicated that we can't really tend to our own business.

Peter Denmark said "So many things are slipping through the cracks in the last 11 months and it's a little bit shameful and it's painful to watch for those who have been passionate about the future of the city."

Peter Denmark stated that it was disappointing to him that the transition from the August and September 2009 administration has not been well handled.

Peter Denmark said "You can blame the people that are not here but it is the council's job to transition through these issues."

Jerry Vandergriff asked Peter Denmark "How would you have done it better?"

Peter Denmark replied “I think that I would have set specific goals in the wake of that transition to try to avoid losing that which has been lost.”

Mayor Lunceford stated “I believe in all honesty while some things may have fallen through the cracks, I believe we rebound and picked up so of those things that fell through the cracks, we now basically farm out our financial areas as well as our grant writing and grant administration area to a contractor so if we do lose a city administrator for whatever reason we could still move forward with those two areas that we have fallen behind on in the past.”

Jerry Vandergriff said “Peter, I have tried for three weeks before Mark Earnest left to get him to sit down with me and run me through all of the funding that we had out there so that I could keep track of it, he wouldn’t do it, he was too busy.”

Juan Cardenas said “I actually think for where we were three months ago we are in remarkable financial stability now considering we are on our third city manager in 11 months.”

Peter Denmark replied “You’re proud of that?”

Juan Cardenas said “No I’m not proud that we are on our third city manager I’m proud that we are where we are now and not worse.”

## **B. Vice Mayor Report – Shawni Phillips**

None

Peter Denmark asked Vice Mayor Phillips what the status was of the “We Care” drug counseling program.

Vice Phillips replied “We tried to organize it but did not have enough community support to make that happen.”

## **7. CITY MANAGER’S REPORT**

### **A. City Manager Report – John Janik**

See written report in original council packet.

Mary Brenneman arrived at 7:51 pm.

There was some brief discussion regarding the Harbor Rebuild Project.

**MOTION:** Mary Brenneman made a motion to reconsider motion to establish a steering committee for the Harbor Rebuild Project.

**SECONDED:** Shannon Tolman seconded the motion.

**VOTE:** Mary Brenneman: Yes, Shannon Tolman: Yes, Juan Cardenas: Yes, Shawni Philips: Yes, Jerry Vandergriff: Yes, Lester Lunceford: Yes.

**Motion passed 6-0.**

Peter Denmark asked what the result of the motion was.

Mayor Lunceford replied “The Port and Harbor Commission is the committee to advise us on the Harbor Rebuild Project and the City Manager is going to report first to the Port and Harbor as to his suggestions and then it will come to council.”

**MOTION:** Juan Cardenas made a motion to direct the City Manager to extend the current EMT contract until December 31, 2010.

**SECONDED:** Mary Brenneman seconded the motion.

**VOTE:** Juan Cardenas: Yes, Mary Brenneman: Yes, Shannon Tolman: Yes, Shawni Phillips: Yes, Jerry Vandergriff: Yes, Lester Lunceford: Yes.

**Motion passed 6-0.**

**B. Director's Reports**

- **Harbor – Sue Miller**

See written report in original council packet

- **Public Safety – Dave Schofield**

See written report in original council packet

- **Public Works – Scott Korbe**

See written report in original council packet

**C. Finance Report – July 2010**

See monthly financial report and revenue and expense report in original council packet.

**Council recessed for a quick break at 8:30 pm.**

**Council reconvened at 8:43 pm.**

Jerry Vandergriff stated that he does not see where the accounts that council had asked to be created are in the financial report.

John Janik asked “What are the accounts in reference to?”

Jerry Vandergriff replied “one of them was the money from the Exxon Valdez Oil Spill, that was supposed to go into a separate account and the other was from property sales.”

Mayor Lunceford stated that there should also be a capital budget as well for replacement of heavy equipment.

John Janik agreed to sit down with Jeff Frier and look into whether the separate accounts have been created.

**8. CITIZEN'S COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING**

None

**9. CONSENT CALENDAR**

None

**10. PUBLIC HEARINGS (NON-ORDINANCE)**

None

**11. PRESENTATIONS**

None

## **12. ORDINANCES**

### **A. Introduction (first reading)**

None

### **B. Public Hearing (second reading)**

None

## **13. RESOLUTIONS**

None

The telephone connection with councilor Shawni Phillips was lost.

## **14. UNFINISHED BUSINESS**

### **A. Striping / Signage update**

Nothing new to report

### **B. Adopt a bear proof garbage can program**

Nothing new to report

### **C. Survey of VonWichman property**

John Janik reported "The surveyors have already been out to the VonWichman property the first part of this month and got the rough lines established and the control points and are hoping to finish surveying next week."

### **D. 5 year Comprehensive Plan update**

John Janik reported "The 5 year comprehensive plan update is an item that is being administrated by the Planning Commission as is on their agenda for September 14<sup>th</sup>."

Jerry Vandergriff reported "The Planning Commission is going to set up a public hearing to encourage input from the public. The Planning Commission puts out sheets for suggestions and then we compile that information and take the top ideas."

### **E. EPA Containment**

Nothing new to report

### **F Northern Economics- Demand study as it pertains to the Harbor Rebuild Project**

John Janik stated that he would like the Council to delay going forward with this demand study until he has time to go before the Port and Harbor Commission to see if they have something that is viable because he would hate to see the City spend \$10,000 that we may not need to spend.

Shannon Tolman stated that he would like a copy of the signed contract between the City and Northern Economics brought to the next council meeting because he would like to see what the contract covers.

### **G. Shotgun Cove Survey**

Shannon Tolman stated that it was the Council's goal to have the Shotgun Cove land surveyed this year.

### **H. M/V "Tradition"**

John Janik reported "Back in July Ed Barrett published the abatement order on the Tradition and we are at the point where we need to take some type of action on this, the question is whether or not the City has title to it. Our attorney has given us several options and I am looking for guidance from Council on how they want me to proceed."

**MOTION:** Jerry Vandergriff made a motion to direct the City Manager to send a letter to the owner of the M/V Tradition informing him that the City of Whittier has seized the property and will store such property for 30 days after which we will dispose of the vessel unless within that 30 day period the owner accomplishes the removal of the vessel from city property.

**SECONDED:** Juan Cardenas seconded the motion.

**VOTE:** Jerry Vandergriff: Yes, Juan Cardenas: Yes, Mary Brenneman: No, Lester Lunceford: No, Shannon Tolman: Yes

**Motion failed 3-2.**

There was some brief discussion on how to proceed

**MOTION:** Mary Brenneman made a motion to proceed with option 2 of the attorney's suggestions which is to immediately abate the nuisance.

**SECONDED:** Jerry Vandergriff seconded the motion.

**DISCUSSION:** Jerry Vandergriff stated that it was recommended by our attorney that we proceed according to the first motion because we don't know that we have clear title of the property.

Jerry Vandergriff stated that he would have gone with option 2 if we had title to it. If we give him the 30 day written notice and he does not respond then the City will legally have clear title to it and we have a guy who wants to take it and put it back in the water and tow it away from here.

Shannon Tolman suggested that the council revisit the first motion.

After brief discussion Mary Brenneman withdrew her motion.

Jerry Vandergriff also agreed and withdrew his second to the motion.

**MOTION:** Mary Brenneman asked for a vote of reconsideration.

**SECONDED:** Lester Lunceford seconded the motion.

**VOTE:** Mary Brenneman: Yes, Lester Lunceford: Yes, Juan Cardenas: Yes, Jerry Vandergriff: Yes, Shannon Tolman: Yes.

**Motion passed 5-0.**

**MOTION:** Jerry Vandergriff made a motion to direct the City Manager to send a letter to the owner of the M/V Tradition informing him that the City of Whittier has seized the property and will store such property for 30 days after which the city will dispose of the vessel unless within that 30 day period the owner accomplishes the removal of the vessel from city property, beginning September 1<sup>st</sup> and ending September 30<sup>th</sup> 2010.

**SECONDED:** Juan Cardenas seconded the motion.

**VOTE:** Jerry Vandergriff: Yes, Juan Cardenas: Yes, Mary Brenneman: Yes, Lester Lunceford: Yes, Shannon Tolman: Yes.

**Motion passed 5-0.**

**15. NEW BUSINESS**

**A. Quigley's Ice Cream Parlor**

**MOTION:** Jerry Vandergriff made a motion to direct the City Manager to transfer the lease for Quigley's Ice Cream Parlor over to Donald and Margaret Varlamos.

**SECONDED:** Juan Cardenas seconded the motion.

**VOTE:** Motion passed unanimously.

## **16. COUNCIL DISCUSSION**

Mayor Lunceford stated that he is in the process of inviting several dignitaries to Whittier for a ceremonial ribbon cutting event for the Shotgun Cove Road.

Mayor Lunceford stated that he had invited Senator Murkowski, Congressman Don Young and the Governor, The Commissioner and Deputy Commissioner of DOT, our local State Representatives, Mike Hawker and Senator Con Bunde.

Council member Tolman suggested having the ribbon cutting ceremony on October 2<sup>nd</sup> 2010, the same day as the annual fall bonfire.

Council member Tolman suggested bringing Whittier Municipal Code Title 2 back to the table.

Council member Juan Cardenas expressed his appreciation to the Administration, Public Safety Director, and Council for their efforts in obtaining year round EMS service to the community.

## **17. CITIZENS' DISCUSSION**

RCAC Representative Marilyn Heddell gave a brief verbal update on RCAC meetings.

## **18. COUNCIL AND ADMINISTRATION RESPONSE TO CITIZENS' COMMENTS**

None

## **19. COUNCIL DIRECTION TO CITY MANAGER**

None

## **20. EXECUTIVE SESSION**

None

## **21. ADJOURNMENT**

**MOTION:** Mary Brenneman moved to adjourn the meeting at 9:29 pm.

**SECONDED:** Jerry Vandergriff seconded the motion.

**VOTE:** Motion passed unanimously

**Attest:**

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Brenda Krol  
City Clerk

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Lester Lunceford  
Mayor